

JOURNAL OF THE SENATE

Wednesday, April 5, 1939

The Senate convened at 11:00 o'clock A. M. pursuant to adjournment on Tuesday, April 4, 1939.

The President in the Chair.

The roll was called and the following Senators answered to their names:

Mr. President; Senators Adams, Beacham, Beall, Black, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Price, Rose, Savage, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—38.

A quorum present.

Prayer by the Chaplain.

The Journal of April 4, 1939, was corrected as follows:

On page 1, column 1, line 6, from the bottom, strike out the name "Gillis" and insert before the name "Clarke," same line, the name "Butler."

And as corrected was approved.

REPORTS OF COMMITTEES

Senator Kanner, Chairman of the Committee on Rules and Calendar, announced that the Committee was not ready to make its complete report of rules for the 1939 Session but offered a report of certain rules for consideration at this time, as follows:

RULE IV.

5. The Chairman of the Committee on Engrossed Bills and the Chairman of the Committee on Enrolled Bills and the Senator drawing the Journal Room at the Hold-over Caucus with the consent of the Committee on Attaches and with the approval of the President of the Senate are authorized to employ from time to time such clerical and other assistance as may be required to properly perform the duties of engrossing and verifying bills and enrolling and verifying bills and keeping a record of and mailing out the Senate Journals.

6. Each Senatorial District shall be entitled to four attaches, but the appointment and selection of said attaches shall be determined by the Committee on Attaches on the approval of the Senator of the District involved. It being understood however that the number of attaches by this rule allowed to Senatorial Districts shall not include the appointment and selection of Hold-over Senators by the action and drawing of the Hold-over Caucus.

7. Should there be the necessity for additional attaches they shall be appointed by the Attache Committee and only then with the approval of the President of the Senate who shall not approve the same unless the necessity for such work is shown.

Senator Kanner moved the adoption of the foregoing rules to be known as sub-sections 5, 6 and 7 of Rule IV.

Pending the adoption of sub-sections 5, 6 and 7 of Rule IV, Senator Mapoles offered the following amendment to the report:

In sub-section 6, Rule IV, of the report of the Committee on Rules and Calendar, strike out the figure "4" wherever it appears in said rule and insert in lieu thereof the figure "7."

Senator Mapoles moved the adoption of the amendment to sub-sections 5, 6 and 7 of Rule IV.

Pending adoption of the amendment to sub-sections 5, 6 and 7 of Rule IV, Senator Parrish offered the following substitute amendment:

In sub-section 6, Rule IV, of the report of the Committee on Rules and Calendar, strike out the figure "4" wherever it appears in said rule and insert in lieu thereof the figure "5."

Senator Parrish moved the adoption of the substitute amendment.

Pending adoption of the substitute amendment to sub-sections 5, 6 and 7, of Rule IV, Senator Westbrook moved that a committee of three be appointed to escort the Honorable

A. E. Funk, Assistant Attorney General of the State of Kentucky, Honorable Sherman Goodpasture, Insurance Commissioner of the State of Kentucky, and Honorable Charles I. Dawson, Judge of the Federal District Court of Kentucky, to a seat on the rostrum.

Which was agreed to.

The President appointed Senators Westbrook, Lewis and Kelly (11th) as the committee.

Pending adoption of the substitute amendment to sub-sections 5, 6 and 7 of Rule IV, the President appointed a committee composed of Senators Hinely, Dye and Horne to escort Honorable John W. Wynn, Honorable Ferd B. Nordman, Honorable Samuel W. Getzen, and Honorable A. G. McArthur, former members of the Senate, to a seat on the rostrum.

The question was put on the adoption of the substitute amendment offered by Senator Parrish.

Which was agreed to and the substitute amendment was adopted.

The question recurred on the adoption of the report of the Committee on Rules and Calendar, as amended, upon which a roll call was demanded.

Upon call of the roll on the adoption of the report of the Committee on Rules and Calendar, as amended, the vote was:

Yeas—Mr. President; Senators Adams, Beacham, Beall, Black, Clarke, Gideons, Hinely, Hodges, Horne, Kelly (16th), Kendrick, Lindler, McKenzie, Murphy, Parker, Parrish, Price, Rose, Savage, Sharit, Walker, Whitaker—23.

Nays—Senators Coulter, Dame, Dugger, Dye, Gillis, Graham, Holland, Johns, Kanner, Kelly (11th), Lewis, Mapoles, Ward, Westbrook, Wilson—15.

Which was agreed to and the report of the Committee on Rules and Calendar, as amended, was adopted.

Senator Westbrook moved that when the Senate adjourns it recess until 3:00 o'clock P. M., this day.

Which was agreed to and it was so ordered.

Senator Gillis moved that the Senate do now recess.

Which was agreed to.

And the Senate recessed at 12:50 o'clock P. M., until 3:00 o'clock P. M., this day.

AFTERNOON SESSION

The Senate reconvened at 3:00 o'clock P. M., pursuant to recess order.

The President in the Chair.

The roll was called and the following Senators answered to their names:

Mr. President; Senators Adams, Beacham, Beall, Black, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Price, Rose, Savage, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—38.

A quorum present.

INTRODUCTION OF RESOLUTIONS

By Senator Beacham—

Senate Resolution No. 1:

BE IT RESOLVED by the Florida State Senate that the President be, and he is hereby authorized and directed to instruct the Sergeant-at-Arms of the Senate to procure from time to time during the 1939 Session of the Senate, stamps for the use of the Senate for the transacting of official business;

BE IT FURTHER RESOLVED, that the Sergeant-at-Arms be authorized and directed to dispense to the members of the Senate such stamps as the members required, providing that no member shall be given more than fifty three-cent stamps per day;

BE IT FURTHER RESOLVED, that such stamps be used

by the members of the Senate for official business only, or for the purpose of communication with constituents upon matters of legislation pending before the Senate or contemplated by members of the Senate for introduction.

Which was read the first time in full.

The question was put on the adoption of the Resolution.

Which was agreed to and Senate Resolution No. 1 was adopted.

By Senator Mapoles—

Senate Resolution No. 2:

WHEREAS, Since the last session of this Senate, the Grim Reaper removed from our midst the late J. W. Kelly, who served this Senate faithfully for several terms as Sergeant-at-Arms, leaving surviving his widow, Mrs. Ethel Kelly, who is unemployed, and in need of employment, therefore

BE IT RESOLVED, that we, the Senate body in and for the 1939 Session, do recommend to the Chairman and members of the Attache Committee, that the said Mrs. Ethel Kelly, be employed as a Verifier during the present session and assigned a position as such verifier, with the courtesies of this body in session assembled.

Which was read the first time in full.

The question was put on the adoption of the Resolution.

Which was agreed to and Senate Resolution No. 2 was adopted.

By Senator Horne—

Senate Resolution No. 3:

WHEREAS, there has been certain criticism of the State Welfare Board in administering old age assistance, aid to the blind, aid to dependent children, and its activities in general since July 1, 1937, and

WHEREAS, it has been suggested that an investigation be made of the activities of the said State Welfare Board since July 1, 1937.

NOW, THEREFORE, Be it resolved by the Senate of the State of Florida:

Section 1. That a committee of five members be appointed by the President of the Senate whose function it shall be to make or cause to be made an investigation of the activities in general of the State Welfare Board since July 1, 1937, and to report its activities and findings to this session of the Legislature.

Section 2. That said committee shall have authority to employ such assistants, clerical or otherwise, as is deemed by it necessary, and the members of said committee shall serve without salary but shall be reimbursed for actual expenses incurred, approved by the committee and certified as approved by the chairman, all of said expenses to be paid as a Senate Legislative Expense.

Which was read the first time in full.

The question was put on the adoption of the Resolution.

Which was agreed to and Senate Resolution No. 3 was adopted.

By Senator Mapoles—

Senate Resolution No. 4:

A resolution authorizing the President of the Senate to add to his various Senate Legislative Committees, a committee to be known as the "Committee on Printing."

WHEREAS, there is much printing to be done in the Senate which costs the taxpayers of the State much money, such as special long bills that the senators may have a chance to read and study same before they are put on second reading, and

WHEREAS, the Sergeant-at-Arms has to have many blank forms and other stationery printed from time to time for the convenience and efficiency of dispatching the duties of the Senate body, and

WHEREAS, for many years in time past there were such a committee to look after the said printing business for the use and convenience of the Senators; now,

THEREFORE BE IT RESOLVED BY THE FLORIDA SENATE, That the Honorable President of the Senate be, and he is, hereby authorized to appoint a committee consisting of not less than five members of the Senate, to be known as The Printing Committee; the duty of which committee shall be to look after all printing matter for the Senate, seeing that all printing is correctly done at fair and reasonable prices.

Which was read the first time in full.

Senator Kanner moved that Senate Resolution No. 4 be referred to the Committee on Rules and Calendar.

Pending the adoption of the motion made by Senator Kanner, Senator Mapoles moved as a substitute motion that Senate Resolution No. 4 be referred to the Committee on Judiciary "A."

The question was put on the substitute motion made by Senator Mapoles.

Which was not agreed to.

The question recurred on the adoption of the motion made by Senator Kanner.

Which was agreed to and Senate Resolution No. 4 was referred to the Committee on Rules and Calendar.

Senator Hinely moved that a committee be appointed to escort Honorable D. N. Cone, former member of the Senate from the 30th District, to a seat on the rostrum.

Which was agreed to.

The President appointed Senators Hinely, Kendrick and McKenzie.

By Senator Beacham—

Senate Concurrent Resolution No. 4:

WHEREAS, Florida has not designated a State tree in line with the custom in most of the other States, and

WHEREAS, the proposed State tree should be broadly distributed throughout Florida, and

WHEREAS, the Sabal Palmetto, otherwise known as the cabbage palm, is on the Great Seal of the State, and is typically Floridian, and

WHEREAS, the Florida Federation of Garden Clubs has designated the Sabal Palmetto as the State tree; NOW, THEREFORE,

BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA, THE HOUSE OF REPRESENTATIVES CONCURRING:

Section 1. That the Cabbage Palm (Sabal Palmetto) be, and it is hereby, chosen and designated as the State Tree in and for the State of Florida.

Which was read the first time in full.

Senator Beacham moved that the rules be waived and Senate Concurrent Resolution No. 4 be read the second time in full.

Which was agreed to by a two-thirds vote.

And Senate Concurrent Resolution No. 4 was read the second time in full.

The question was put on the adoption of the Concurrent Resolution.

Which was agreed to and Senate Concurrent Resolution No. 4 was adopted, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

Senator Hodges moved that the Introduction of Bills be dispensed with until tomorrow morning.

Which was agreed to and it was so ordered.

Senator Westbrook asked unanimous consent of the Senate to take up and consider messages from the House of Representatives at this time.

Which was agreed to.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Message from the House of Representatives was received and read:

Tallahassee, Fla., April 5, 1939.

Hon. J. Turner Butler,

President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed.

House Memorial No. 1:

A RESOLUTION TO MEMORIALIZE THE CONGRESS OF THE UNITED STATES TO ENACT THE GENERAL WELFARE ACT OF 1937, KNOWN AS H. R. 2, NOW BEFORE CONGRESS.

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And respectfully requests the concurrence of the Senate therein.

Very Respectfully,

BEN H. FUQUA,

Chief Clerk House of Representatives.

And House Memorial No. 1 contained in the above message, was read the first time in full.

Senator Whitaker moved that the rules be waived and House Memorial No. 1 be read the second time in full.

Which was agreed to by a two-thirds vote, and House Memorial No. 1 was read the second time in full.

The question was put on the adoption of House Memorial No. 1, upon which a roll call was demanded.

Upon the adoption of House Memorial No. 1 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Beacham, Beall, Black, Coulter, Dame, Dugger, Gideons, Hodges, Horne, Johns, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Price, Rose, Savage, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—31.

Nays—Clarke, Dye, Gillis, Graham, Hinely, Holland, Kaner—7.

And House Memorial No. 1 was adopted and ordered certified to the House of Representatives.

The following Message from the House of Representatives was received and read:

Tallahassee, Fla., April 4, 1939.

Hon. J. Turner Butler,
President of the Senate.
Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has adopted.

Senate Concurrent Resolution No. 2:

WHEREAS, The Honorable Franklin D. Roosevelt, President of the United States, is now vacationing at Warm Springs, Georgia, and can travel by automobile to Tallahassee, Florida, within a few hours, therefore, be it

RESOLVED By the Senate, the House of Representatives concurring, that he be and is hereby invited to address the Legislature in the Hall of the House of Representatives at Tallahassee, Florida, upon such subject as he may select and at such time as he may designate.

BE IT FURTHER RESOLVED, That two (2) Senators be appointed by the President of the Senate and three (3) members of the House of Representatives appointed by the Speaker of the House of Representatives as a Committee to extend this invitation to the President, and if he accepts same, escort him from Warm Springs, Georgia, to Tallahassee, Florida.

Very Respectfully,

BEN H. FUQUA,

Chief Clerk House of Representatives.

And Senate Concurrent Resolution No. 2, contained in the above message, was referred to the Committee on Enrolled Bills.

The following Message from the House of Representatives was received and read:

Tallahassee, Fla., April 4, 1939.

Hon. J. Turner Butler,
President of the Senate.
Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has adopted.

Senate Concurrent Resolution No. 3:

WHEREAS, the Legislature of 1937 granted to the ladies of the American Legion Auxiliary at Tallahassee, Florida, the privilege of conducting a cold drink stand in the lobby of the Capitol during the 1937 Session for the sale of cold drinks, confections, sandwiches, cigars, etc., the profits derived from same to be used for the patriotic and charitable purposes for which the American Legion and its Auxiliary stands; and,

WHEREAS, the operation and conduct of said concession during the 1937 Session of the Legislature was in all respects satisfactory, and in consideration thereof the ladies of said

American Legion Auxiliary Post have requested a renewal of said concession by the Legislature of 1939 for the same purposes, to the same extent and with the same reservations as were applicable to the operation of the concession heretofore Now Therefore,

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING:

That the ladies of the American Legion Post located at Tallahassee, Florida, be and they are hereby granted the concession to operate at a place in the lobby to be designated by the President of the Senate upon the advice of the Speaker of the House of Representatives, in behalf of and for the uses and purposes of the American Legion Auxiliary, a cold drink stand and concession incidental thereto, upon the same terms and conditions and with the same limitations as the same was operated during the 1937 Session of the Legislature, this Resolution to take effect immediately.

Very Respectfully,

BEN H. FUQUA,

Chief Clerk House of Representatives.

And Senate Concurrent Resolution No. 3, contained in the above message, was referred to the Committee on Enrolled Bills.

The following Message from the House of Representatives was received and read:

Tallahassee, Fla., April 5, 1939.

Hon. J. Turner Butler,
President of the Senate.
Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has appointed Messrs. Tomasello of Okeechobee, Christie of Duval and Lewis of Gulf as a committee on the part of the House to act with the committee on the part of the Senate, as provided by Senate Concurrent Resolution No. 2, which reads as follows:

Senate Concurrent Resolution No. 2:

WHEREAS, The Honorable Franklin D. Roosevelt, President of the United States, is now vacationing at Warm Springs, Georgia, and can travel by automobile to Tallahassee, Florida, within a few hours, therefore, be it

RESOLVED by the Senate, the House of Representatives concurring, that he be and is hereby invited to address the Legislature, in the Hall of the House of Representatives at Tallahassee, Florida, upon such subject as he may select and at such time as he may designate.

BE IT FURTHER RESOLVED that two (2) Senators be appointed by the President of the Senate and three (3) members of the House of Representatives appointed by the Speaker of the House of Representatives as a Committee to extend this invitation to the President, and if he accepts same, escort him from Warm Springs, Georgia, to Tallahassee, Florida.

Very Respectfully,

BEN H. FUQUA,

Chief Clerk House of Representatives.

The following Message from the House of Representatives was received and read:

Tallahassee, Fla., April 5, 1939.

Hon. J. Turner Butler,
President of the Senate.
Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has adopted.

House Concurrent Resolution No. 1:

WHEREAS, George VI and Elizabeth, King and Queen of Great Britain and Ireland and of the Dominions Beyond the Seas, Emperor and Empress of India, soon will be honored guests of the United States, and,

WHEREAS in Florida, land of flowers, nature joins in extending royal welcome always, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE CONCURRING:

That all Florida invites their Majesties, bids them welcome, and to them extends the keys to her cities, lakes, streams and groves, and to all her many delights.

And respectfully requests the concurrence of the Senate therein.

Very Respectfully,

BEN H. FUQUA,

Chief Clerk House of Representatives.

Which was read the first time in full.

Senator Westbrook moved that the rules be waived and House Concurrent Resolution No. 1 be read the second time in full.

Which was agreed to by a two-thirds vote.

And House Concurrent Resolution No. 1 was read the second time in full.

The question was put on the adoption of the Concurrent Resolution.

Which was agreed to and House Concurrent Resolution No. 1 was adopted and the action of the Senate was ordered immediately certified to the House of Representatives by waiver of the rule.

Senator Westbrook moved that the Senate do now adjourn.

Which was agreed to.

And the Senate stood adjourned at 3:56 o'clock P. M., until 11:00 o'clock A. M., Thursday, April 6, 1939.